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A Law Student Collects: Simon Greenlear and Michael Morales: Spring 2009

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THE DANIEL R. COQUILLETTE RARE BOOK ROOM

A LAW STUDENT COLLECTS: SIMON GREENLEAF AND MICHAEL MORALES SPRING 2009

A GUIDE TO THE EXHIBIT

Michael Morales is a third-year law student at Boston College. He is also completing an M.A. in Higher Education Administration at Boston College's Lynch School of Education. Michael first became interested in collecting works by Simon Greenleaf while working as a research assistant for Professor Daniel R. Coquillette during the summer of 2007. The summer project involved assisting Professor Coquillette with his forthcoming two-volume history of the Harvard Law School. Michael first discovered Greenleaf while conducting background research for the project. As a member of BC Law's Law and Religion Program, Michael was particularly interested in some of Greenleaf's work because it combined both law and religion. Michael was also fascinated by Greenleaf because he was an early American legal educator.

Although building a library of rare law books and manuscripts can be quite an expensive hobby for a student, Professor Coquillette showed Michael how one could collect on a budget by focusing on certain 19th-century legal figures.

After working for Professor Coquillette for about a month, Michael purchased his first Greenleaf letter on eBay. He bought a second one four hours later and quickly realized that collecting Greenleaf would become a minor obsession. He learned to bargain with rare book dealers and set up automatic searches to alert him whenever new material came on the market. For better or worse, his newfound hobby continued

through the school year and nary a month went by when he did not purchase some Greenleaf-related item. Today, Michael occasionally goes through "acquisition withdrawals," having already purchased every Greenleaf composition he can find for less than a thousand dollars.

The exhibit is broadly arranged by theme. It was curated by Michael Morales, BC Law 2009, and Karen Beck, Curator of Rare Books / Collection Development Librarian. It will remain on view through early June 2009. Unless specified otherwise, all materials in these cases are from the collection of Michael Morales.



*Horizontal wooden case to the right of
the entrance door (as you face the door):*

THE INFANCY OF THE HARVARD LAW SCHOOL

DAILY NATIONAL INTELLIGENCER.
Washington, March 8, 1838.

This newspaper is displayed unfolded to show several interesting news items. On the back is an announcement of the new "Law Institution of Harvard University," written by Royall Professor of Law Simon Greenleaf. Greenleaf and his co-instructor, Dane Professor Joseph Story (who was also a United States Supreme Court Justice at the time), offered a two-year course of study that included weekly moot court sessions. Fees were \$100 per term, which gave students access to the school's 4,000-volume law library.

Two shocking news items on the front page remind us that the horrors of slavery were still a part of everyday life. In an item titled "200 Slaves Wanted," Thomas N. Davis offered to pay high cash prices for young slaves of both sexes. Directly below is a notice seeking to apprehend Delia, a 48-year-old "mulatto woman" and fugitive slave. A \$50 reward was offered for her return.

HARVARD LAW SCHOOL
ASSOCIATION, THE CENTENNIAL
HISTORY OF THE HARVARD LAW
SCHOOL 1817-1917. Cambridge, 1918.

This book is opened to a portrait of Simon Greenleaf. The original, by G.P.A. Healy, is on view at the Harvard Law School. When Greenleaf announced his retirement from the law school, his students had the portrait commissioned, desiring "that the hall which has been so attractive from your presence, should be adorned with your portrait."

LETTER FROM JOSIAH QUINCY TO
SIMON GREENLEAF. May 13, 1835.

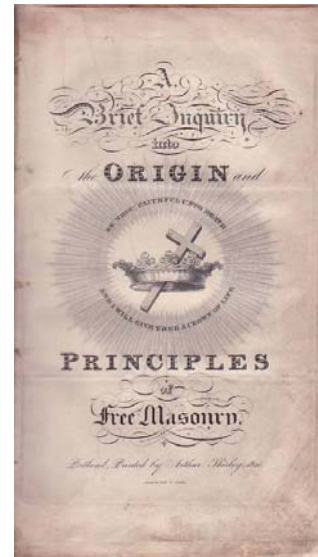
In this letter, Harvard President Josiah Quincy invited Greenleaf to attend a Dudleian Lecture at Harvard by theologian John Braser, followed by tea at Quincy's home. The Dudleian Lectures are a series of prestigious lectures on religion at Harvard University. Endowed by Paul Dudley in 1750, it is the oldest endowed lecture series at Harvard. The lectures have been given every year since 1755.

First wall cabinet (labeled Cabinet II):

SIMON GREENLEAF AND
FREEMASONRY

SIMON GREENLEAF, A BRIEF INQUIRY
INTO THE ORIGIN AND PRINCIPLES OF
FREE MASONRY. Portland, 1820.

This book is a compilation of a series of lectures given by Greenleaf in 1817 and 1818 at several Masonic lodges in Massachusetts. This handsome volume contains a magnificent engraved frontispiece, shown here. It once belonged to the Richmond Masonic Library Association, where it was cataloged as item #133.



THE ACT OF INCORPORATION, BY-
LAWS, RULES AND REGULATIONS FOR
THE GOVERNMENT AND MANAGEMENT
OF THE MASTER, WARDENS AND
MEMBERS, OF THE GRAND LODGE OF
MASSACHUSETTS. Boston, 1819.

This copy was once owned by Greenleaf. His handwritten marginalia can be found throughout the text. Greenleaf was instrumental in establishing The Grand Lodge of Maine in 1820.

On loan from the John J. Burns
Library, Boston College.

Top Shelf:
SIMON GREENLEAF (PHOTOGRAPH OF
A DAGUERRETYPE). Southworth &
Hawes, ca. 1850.

*Second wall cabinet (labeled Cabinet
III):*

GREENLEAF IN HIS OWN WORDS

LETTER FROM SIMON GREENLEAF TO
JAMES GREENLEAF. Cambridge, January, 5,
1838 (selected pages shown).

At the age of 55, Greenleaf wrote this long letter to his son, a merchant in Natchez, Mississippi. The elder Greenleaf recounted

memories of his early childhood, the courtship of his wife, and his early legal career in a letter that began, "My dear Son – In your letter of Dec. 7 about my birth day, you mention that you have forgotten my age. So I will tell you that, & some other things, which it may amuse you, at least, to read."

On loan from James R. Fuller.

LETTER FROM SIMON GREENLEAF TO CHARLES WHITMAN. June 26, 1849.

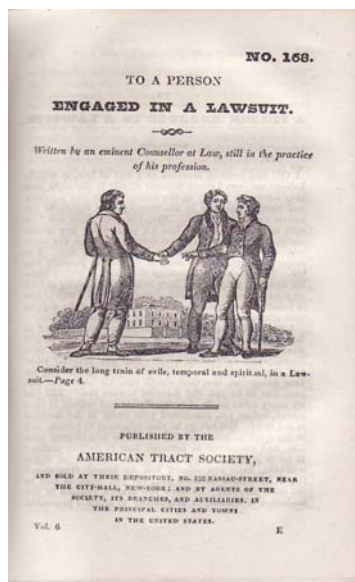
Greenleaf wrote this letter to Whitman in Washington, D.C. He mentioned a number of people whom he appears to have contacted on Whitman's behalf. The letter features a very clear and attractive example of Greenleaf's signature.

Cabinet IV:

GREENLEAF AS A TRACT WRITER

THE PUBLICATIONS OF THE AMERICAN TRACT SOCIETY. Vol. VI. N.Y., undated.

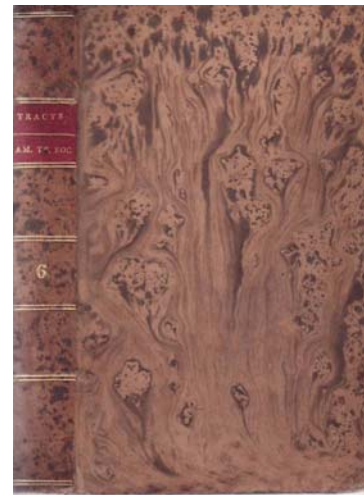
This volume is opened to tract number 168, "To a Person Engaged in a Lawsuit," written anonymously by an "eminent Counsellor at Law, still in the practice of his profession." The author, Simon Greenleaf, urges readers to "consider the long train of evils, temporal and spiritual, in a Lawsuit."



THE PUBLICATIONS OF THE AMERICAN TRACT SOCIETY. Vol. IV. N.Y., undated.

In this volume Greenleaf wrote an anonymous three-part article entitled "Obligations of a Guardian," "To the Relatives and Friends of the Ward," and "To the Ward." Although ostensibly a legal tract, much of the advice Greenleaf dispenses is common-sense, and based on religious teachings.

The book is exhibited closed to show its handsome binding. The leather is called tree calf, because its markings resemble a tree.



THE AMERICAN TRACT MAGAZINE, FOR THE YEAR 1831. New York, 1831.

Included in this slim volume is a list of numbered tracts which may be found in other volumes of this journal. The book is opened to page 142, where a brief summary of tract number 168, identifying Greenleaf as the author, can be seen at the very bottom of the page. That tract, "To a Person Engaged in a Lawsuit," is shown on the shelf above.

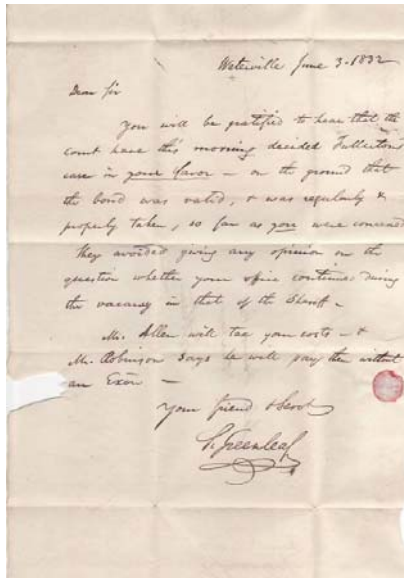
Cabinet V:

GREENLEAF AND THE PRACTICE OF LAW

LETTER FROM SIMON GREENLEAF TO JOHN HARRIS. Waterville, June 3, 1832.

Greenleaf wrote this letter to John Harris, a Prison Keeper in Portland, Maine. It

appears that Greenleaf acted as Mr. Harris' attorney in a lawsuit: "You will be gratified to hear that the Court have this morning decided Fullerton's case in your favor . . ."



NOTE SIGNED BY SIMON GREENLEAF.
May 26, 1824.

"Rec'd of Isaac G. Reed Esq. one dollar in full of all debt, dues, suits and causes of action and demands whatsoever - John D. Williams by Simon Greenleaf his attorney specially authorised hereto."

LETTER FROM SIMON GREENLEAF TO MR. DORRANCE. February 11, 1840.

In this letter, Greenleaf requested a number of the Public and Private Laws of Maine, "without which I find it impossible to give advice with any sort of confidence, on any matter in Maine . . ."

SIMON GREENLEAF, LUTHER S. CUSHING, CHARLES E. FORBES, THERON METCALF, AND JOSEPH STORY, REPORT OF THE COMMISSIONERS APPOINTED TO CONSIDER THE REPORT UPON THE PRACTICABILITY AND EXPEDIENCY OF REDUCING TO A WRITTEN AND SYSTEMATIC CODE THE COMMON LAW

OF MASSACHUSETTS, OR ANY PART THEREOF. Boston, 1837.

These five eminent authors were appointed by Massachusetts Governor Edward Everett to consider the "practicability and expedience" of codifying all or part of the common law of Massachusetts. In their report, the Commissioners recommended that the Legislature codify the parts of the common law related to civil rights and duties of persons in relation to other persons; rights and titles to real and personal property; rights, duties, and claims arising from acts and implied contracts; and crimes and evidence.

SIMON GREENLEAF, A COLLECTION OF CASES OVERRULED, DENIED, DOUBTED OR LIMITED IN THEIR APPLICATION, TAKEN FROM AMERICAN AND ENGLISH REPORTS. 3rd ed. NY: 1840.

This eminently practical volume predates SHEPARD'S CITATIONS by several decades, and predates KeyCite on Westlaw and Shepard's on LexisNexis by about a century and a half. Greenleaf listed English and American cases alphabetically, followed by an explanation of why each case was no longer valid authority in whole or part. In 1819, while Greenleaf was still researching the first edition of the book, Justice Story wrote to Greenleaf that he rejoiced "that there are gentlemen of the Bar who are willing to devote their leisure to the correction and ministration of the noble science of the law."

Cabinet VI (across the room):

GREENLEAF AT HARVARD

SIMON GREENLEAF, A DISCOURSE PRONOUNCED AT THE INAUGURATION OF THE AUTHOR AS ROYALL PROFESSOR OF LAW IN HARVARD UNIVERSITY, AUGUST 26, 1834. Cambridge, 1834.

Greenleaf inscribed this copy to "Mrs C.P. Jenks from her brother Simon."

SIMON GREENLEAF, PROFESSOR
GREENLEAF'S DISCOURSE UPON THE
LIFE AND CHARACTER OF THE HON.

JOSEPH STORY, LL.D. Boston, 1845.

Greenleaf inscribed this copy to "Dr. Harris with the respects of The Author." After Story's death, Greenleaf was promoted to the Dane Professorship at the Harvard Law School.

SIMON GREENLEAF, A TREATISE ON
THE LAW OF EVIDENCE.

Vol. I: 7th ed., Boston, 1854. Vol. II: Boston & London, 1846. Vol. III: 2nd ed., Boston, 1853.

This is Greenleaf's most famous work. Originally intended as a textbook for his students, his three-volume treatise on Evidence quickly became popular among practitioners. It was the first major American work on the subject and went through sixteen editions over a fifty-seven year period before it was replaced by Wigmore's Evidence treatise.

Cabinet VII:

GREENLEAF AS A TEACHER

WILLIAM CRUISE, A DIGEST OF THE
LAW OF REAL PROPERTY . . . REVISED
AND ABRIDGED, WITH ADDITIONS AND
NOTES FOR THE USE OF AMERICAN
STUDENTS, BY SIMON GREENLEAF,
LL.D. Boston & London, 1849-1850. 7 vols.
in 3.

By the time Greenleaf completed his American revision of Cruise's famous treatise, he was Professor Emeritus at Harvard Law School. He dedicated this work "To my beloved pupils – These labors, originally undertaken for their benefit, are inscribed by their affectionate friend, Simon Greenleaf."

Volume 1 is opened to a striking "Historical Legi-Graphical Chart of Landed Property in England from the Time of the Saxons to the Present Æra."

Cabinet VIII:

GREENLEAF'S REPORTS

ANONYMOUS REVIEW OF GREENLEAF'S
REPORTS, VOL. II.

This brief but laudatory review of Greenleaf's REPORTS was salvaged from a damaged issue of the NORTH AMERICAN REVIEW, dated January, 1826. Volume II of Greenleaf's REPORTS was published in 1824 by Glazier, Masters and Smith in Hallowell, Maine. The volume covered cases decided in 1822 and 1823.

SIMON GREENLEAF, REPORTS OF
CASES ARGUED AND DETERMINED IN
THE SUPREME JUDICIAL COURT OF
THE STATE OF MAINE. Hallowell &
Portland, 1822-1835. Vols. 1-9.

Greenleaf was appointed the first Reporter to the Supreme Judicial Court of Maine. He served in that position for twelve years, from 1820 to 1832.

Cabinet IX:

GREENLEAF, RELIGION, AND THE LAW

LUCIUS M. SARGENT, THE
TEMPERANCE TALES. Vol. IV. Boston,
Cambridge & N.Y., undated.

John H. Sheppard's memoir of Sargent credits Greenleaf as having written the material for this story about the afflictions of a woman and her children caused by her husband's home-brewed cider that was "equal to wine."

This volume is opened to an engraved frontispiece of Kitty Grafton defending her son Elkanah against her drunken husband Ethan (shown on the following page).



THE CHRISTIAN REVIEW, NO. XVIII.
JUNE, 1840. Boston, Utica & London: 1840.

Article VIII in this journal volume is an article by Simon Greenleaf entitled "On the Legal Rights of Woman." This article was likely written (anonymously) in response to public lectures given by the early feminist Grimké sisters.

EDWARD EVERETT, ORATIONS AND
SPEECHES ON VARIOUS OCCASIONS.
Vol. II. Boston: 1850.

On May 27, 1850, Greenleaf delivered a speech entitled "The Bible" at the annual meeting of the Massachusetts Bible Society, of which he was President at the time.

Cabinet X (horizontal wooden case to the left of the entrance door, as you face the door):

GREENLEAF'S *TESTIMONY OF THE EVANGELISTS*

SIMON GREENLEAF, A LEGAL VIEW OF
THE TESTIMONY OF THE FOUR
EVANGELISTS. WITH NOTES, & AN

ACCOUNT OF THE TRIAL OF JESUS.
Original manuscript.

It is fitting to close the exhibit with Greenleaf's *TESTIMONY OF THE EVANGELISTS*, a work that marries his lifelong interests in law and religion.

THE TESTIMONY OF THE EVANGELISTS is considered a Christian apologetic work; that is, a work that aims to present a rational basis for the Christian faith. Here, Greenleaf used legal principles of evidence to conclude that the testimony of Matthew, Mark, Luke and John were reliable, and that the resurrection of Christ happened.

In his Eulogy of Greenleaf, Professor Parsons said that Greenleaf began working on this manuscript in 1817, at age 34, while "confined to his bed by a painful and tedious disease." This draft of the manuscript shows Greenleaf's painstaking method of writing and editing. After laying snippets of the four Gospels side-by-side in a chart formation, Greenleaf analyzed the similarities and differences in the four accounts. His extensive revisions are evident in the pages shown here.

Twenty-nine years (and a slightly modified title) later, the book was finally published in 1846 when Greenleaf was 63 years old.

On loan from the John J. Burns Library, Boston College.

SIMON GREENLEAF, AN EXAMINATION
OF THE TESTIMONY OF THE FOUR
EVANGELISTS, BY THE RULES OF
EVIDENCE ADMINISTERED IN COURTS
OF JUSTICE. WITH AN ACCOUNT OF
THE TRIAL OF JESUS. Boston, 1846.

The book and the manuscript are opened to the same section of the text. In section 77, Jesus foretells his resurrection.